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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/487,265	01/19/2000	Toshiki Mori	826.1587/JDH	2955
21171	7590	04/21/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			ROBINSON BOYCE, AKIBA K	
			ART UNIT	PAPER NUMBER
			3639	

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/487,265

Applicant(s)

MORI ET AL.

Examiner

Akiba K Robinson-Boyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18, 21-23 and 29 is/are pending in the application.
- 4a) Of the above claim(s) 5, 9-14, 19, 20, and 24-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Due to communications filed 3/29/05, the following is a final office action. Claims 1-4, 6-8, 15-18, 21-23 are currently amended. Claims 5, 9-14, 19, 20, and 24-28 are cancelled. Claim 29 is new. Claims 1-4, 5-18, 21-23 and 29 are pending in this application and have been examined on the merits. The previous office action has been withdrawn and the following reflects the claims as amended. The finality of the previous office action has also been withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-8, 15-18, 21, 22-23, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver (US Patent 5,907,490), in further view of Nakaoka (US Patent 6,092,048).

As per claims 1, 6, 15, 16, 17, 21, 29, Oliver discloses:

[An acquisition unit/a first program part for] transmitting the job completion data messages to a plurality of receivers of the group and receiving each completion date

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offer that is entered by the receivers/an acquisition unit transmitting a job completion message and receiving a job completion reply from persons in a group who have been assigned part of a job and obtaining information indicating whether each of a plurality of receivers of a message, who in a group do a job associated with the message, has completed an assigned part of the job; (Col. 6, lines 34-42, w/ Col. 7, lines 11-22, where the graphical user interface and touch screen represents the acquisition unit and helps complete EV analysis, Col. 3, lines 30-37, where EV analysis helps measure wheat has been accomplished on a project, Col. 7, lines 61-62, where the transmission of a job completion message is represented by presentation of initial EV information, which includes percent complete information as shown in Col. 8, lines 21-29, also Col. 8, line 67-Col. 9, line 4, where the job completing message transmitted is represented by the user clicking on the number on the screen in order to receive percent of project complete information, in addition, Col. 9, lines 4-9 shows the job completion reply since a response about the percent of a project completed is disclosed);

[A control unit/a second program part/ the control unit causes the apparatus to display], causing a terminal device of the transmitter apparatus at the transmitter of the message to display the completion date offers of the receivers together with a decision result with respect to the completion date offers of the receivers/ a control unit, based on the information obtained by the acquisition unit, causing a terminal apparatus to display information indicating a ratio of persons who have received the message and completed the assigned parts of the job to all the persons who have received the message and have been assigned the parts of the job, (Col. 7, lines 5-10 and lines 38-

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41, where the control unit and the second program part is represented by the EV analyzer program in the computer, Col. 8, lines 21-29, where Oliver discloses the "ratio" through disclosing EV-related information pertaining to the percent complete, w/ Col. 2, lines 52-56, displays accomplished results to planned results. In Oliver, the "ratio" is disclosed to be the percentage of the project completed based on earned value for the work performed to the total project baseline. In this case, even though the percentage of the project completed is determined through the earned value, the percentage of the project completed is still determined and represents the completed assigned parts of the job. In addition, the total project baseline represents the all assignments in the job. Therefore Oliver's "ratio" is analogous to the "ratio" of the claimed invention, (Col. 2, lines 52-56, displaying comparison of accomplished results to planned results).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose the ratio of persons who have completed the respectively assigned parts of the job amongst all the plurality of receivers of the message doing the job with the motivation of determining which jobs are complete and which jobs are incomplete for assignment purposes.

----- Oliver does not specifically disclose a message generation unit, but does disclose -----
an indication that a job is complete in Col. 8, lines 21-29.

However, Nakaoka discloses:

A message generation unit generating a job completion date message to which attached is an entry space for entering a completion date offer indicating a completion date a receiver of a group who has been assigned to the job desires

to agree to place in the completion date offer entry space in the message, (Col. 1, lines 20-25, represented by the finish dates). Nakaoka discloses this limitation in an analogous art for the purpose of showing dates that the job has been completed.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate a message generation unit generating a job completion date message to which attached is an entry space for entering a completion date offer indicating a completion date a receiver of a group who has been assigned to the job desires to agree to place in the completion date offer entry space in the message with the motivation of giving the user the flexibility to enter a date that he feels that he can complete the job.

As per claims 2, 4, Oliver discloses the following:

Wherein the control unit causes the information indicating the ratio of the persons who have completed respectively assigned parts of the job to be displayed, (Col. 8, lines 21-29, where the ratio is represented by the EV-related information pertaining to the percent complete being displayed);

~~Oliver fails to disclose the following, however Nakaoka discloses:~~

together with a title of the message in response to one of a display request of a user and on fulfilling predetermined conditions... (Col. 4, lines 19-35, represented by the task title where "CREATE REPORT OF INVESTIGATION" represents the request of a user).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate having a title of the message in response to the request of a user with the motivation of actually displaying and allowing the user to visually distinguish one request from another. As per claims 4, 20, Oliver discloses:

Counts the number of receivers who have activated the confirmation button for causing the terminal apparatus to display the information indicating the ratio of the persons having completed the assigned parts of the job, (Col. 8, lines 21-29, Oliver doesn't specifically disclose the number of receivers who activate a confirmation button is counted, however the ratio is represented by the EV-related information pertaining to the percent complete being displayed and in order to determine the percent complete, one must determine a count for the number of tasks completed);

Oliver fails to disclose the following, however Nakaoka discloses:

A message generation unit generating a message provided with a confirmation button by which each receiver of the message can individually inform that the receiver has completed the assigned part of the job to the transmitter of the message; (Col. 13, lines 19-23, represented by the completion button);

Wherein the control unit judges when the confirmation button is activated by a receiver of the message that the receiver has completed the

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assigned part of the job (Col. 13, lines 23-25, represented by placing the task entry in a completed state).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate a confirmation button with the motivation of having means to determine the number of users that completed the task.

As per claim 3, Oliver discloses:

Wherein the control unit causes the terminal apparatus to display a completion state table comprising information indicating the ratio of the persons who have completed the respectively assigned parts of the job among all the plurality of receivers of the message doing the job and the title of the message, (Col. 8, lines 21-29, where the ratio is represented by the EV-related information pertaining to the percent complete being displayed, Fig. 1, where this bar chart includes EV information that represents what has been accomplished as the project progresses. This chart also includes completion information as described in Col. 4, lines 23-41. Since Oliver describes that a chart can visually represent the ratio information about completed tasks, it is obvious to include the completion state ratio in a table since a chart represents information in tabular form).

As per claim 7, Oliver discloses:

Wherein the control unit causes the terminal apparatus to display the information indicating the ratio of the persons who have completed the assigned parts of the job when one of a specified date for completing is a current and

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when the ratio of the persons who have completed the assigned parts of job reaches a preassigned value (Col. 8, lines 21-29, where the ratio is represented by the EV-related information pertaining to the percent complete being displayed and in order to determine the percent complete, one must determine a count for the number of tasks completed);

As per claim 8, Oliver discloses:

Wherein the control unit causes the terminal apparatus to display the information indicating the ratio of persons who have completed the assigned parts of the job on a day specified by a transmitter of the message in advance (Col. 8, lines 21-29, the ratio is represented by the EV-related information pertaining to the percent complete being displayed and in order to determine the percent complete, one must determine a count for the number of tasks completed.

As per claims 18, 23, Oliver discloses:

Further comprises/wherein the control unit causing the apparatus to display an offered term table comprising the name of a receiver, a new date offered term of a receiver, an approved or rejected status of the transmitter for the offer, (Col. 1, lines 20-32, shows use of Gantt and PERT charts to represent task data, shows task data includes start date, col. 3, lines 29-33, shows schedule status is implemented in EV information which can be implemented in the present invention through Gantt/PERT charts, Oliver does not specifically disclose the name of the receiver, however, this limitation is inherent with Oliver since Oliver does disclose tasks, and each task must be carried out by a user).

As per claims 22, Oliver discloses:

A message generation unit generating a message to which attached is a entry space for entering a completion date offer indicating a completion date each receiver desires to agree in place of the completion date stated in the message, (Col. 6, lines 34 46 and lines 57-62 w/ Col. 8, lines 21-29 where it is shown that the user can utilize the computer interface to input EV-related information which can include percent complete, in this case, the message generation unit is represented by the graphical user interface (GUI), also Col. 1, lines 20-25, where the completion date is also represented by the finish dates); and

A control unit causing a terminal apparatus to display in a table form the title of the message, names of a plurality of the receivers, the completion dates entered into the entry spaces attached to the message by the plurality of the receivers respectively together with a decision result with respect to the completion date offers of the receivers, (Col. 8, lines 21-29, where the ratio is represented by the EV-related information pertaining to the percent complete being displayed , Fig. 1, where this bar chart includes EV information that represents what has been accomplished as the project progresses. This chart also includes completion information as described in Col. 4, lines 23-41. Since Oliver describes that a chart can visually represent the ratio information about completed tasks, it is obvious to include the completion state ratio in a table since

a chart represents information in tabular form and where the control unit that causes the terminal to display is represented by the project management software which include the object link, Col. 9, lines 1-9, [ratio], w/ col. 2, lines 52-60, displaying accomplished results to planned results and facilitates quantification of costs and schedule impacts).

Response to Arguments

4. Applicant's arguments filed 3/29/05 have been fully considered but they are not persuasive.

The applicant makes the argument that the Oliver reference discloses a PERT chart, where in contrast, the present invention is concerned with obtaining offered or proposed dates for completing tasks or jobs and specifically discloses that Oliver does not teach or suggest a system or method where the decision result and offers are displayed together. However, the examiner has re-evaluated the Oliver patent to determine if the present invention is patentable over the Oliver patent. Upon re-evaluating the Oliver patent, the examiner has come to the determination that the decision result and offers are displayed together. First, in Oliver, percent complete indicates what percentage of the project is complete based on the ratio of earned value (also known as BCWP-Budget Cost of Work Performed) to the total project baseline. Oliver shows an example where each task will be worked on by a single person and that the person will devote thirty hours per week to the project in Col. 4, lines 33-45. The

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example then goes on to show how the tasks are represented sequentially and reflected by graph. A determination is made that Task A will take 45 effort hours and consume 1.5 weeks, Task B will take 30 effort hours and consume one week, and Task C will start at the completion of Task B, take 60 effort hours, and be completed at the end of week three. This scheduling is shown by a Gantt chart and is done in the planning process, and as scheduled, constitutes the baseline for the project. Oliver explains that the baseline represents cost and effort expenditures with respect to time and activities in Col. 1, lines 42-44. Since the baseline is derived from the time it takes a person to complete several tasks, and since the baseline also represents both cost and effort expenditures with respect to time and activities, one of ordinary skill in the art would determine that the percent complete ratio in Oliver is directly related to the time it takes a person to complete tasks according to the baseline, which includes both cost and effort expenditures. Therefore, even though the percentage of the project completed is determined through the earned value, this earned value is derived from the time it takes a person to complete several tasks according to a baseline. Therefore Oliver's "ratio" is analogous to the "ratio" of the claimed invention. In addition, Oliver discloses that his invention calculates detailed and makes display readily accessible earned value information in col. 2, lines 52-54. In col. 2, lines 55-57, Oliver then goes on to show that the comparison of accomplished results to planned results are derived. This represents the decision result and offers being displayed together since Oliver's results are graphically represented.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Tuesday 8:30am-5pm, and Wednesday, 8:30 am-12:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238


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[After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A.R.B.

A. R. B.
April 13, 2005


THOMAS A. DIXON
PRIMARY EXAMINER